

REQUEST FOR COUNCIL ACTION

61 /
MEETING

DATE: 11-17-03

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-2
ITEM DESCRIPTION: Type III, Phase II Amendment #03-01 to the Final Plan which covers the Apache Mall Shopping Center, to allow for the construction of a freestanding restaurant in the location of demolished Montgomery Wards Auto Store by Romano's Macaroni Grill. The proposal is to construct a 6,820 square foot building. The property is located north of 16 th Street SW, west of Apache Drive SW and east of Highway 52.		PREPARED BY: Mitzi A. Baker, Senior Planner

November 12, 2003

City Planning and Zoning Commission Recommendation:

On October 25, 2003 the City Planning and Zoning Commission held a public hearing to this application. The Commission recommended approval 7-0, subject to the following conditions:

1. *Parking lot modifications adjacent to the building are proposed with this project. Dimensions shown on the Plan are not consistent with the requirements of the Rochester Zoning Ordinance and Land Development Manual. Parking stall length shown on the Plan should be at 17', not 18' as labeled, and drive isle widths should be at 25', not 24' as labeled.*
2. *If the extension of public watermain, and/or the addition of hydrant(s) is required for this project, the execution of a City-Owner Contract, and dedication of an applicable public utility easement, will be required prior to construction.*
3. *Grading Plan approval is required, prior to construction.*

Council Action Needed:

1. *If the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution either approving, approving with conditions, or denying request based upon the criteria included in the staff report.*

Distribution:

1. City Administrator
2. City Attorney
3. Planning Department File
4. Applicant: This item will be considered some time after 7:00 pm in the Council/Board Chambers at the Government Center on Monday November 17, 2003.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

GHA
 Architects / Engineers
 Parkway Plaza I
 1410
 Suite 100
 Indian Valley 76104
 Tel. 978-282-0000
 Fax 978-282-0001

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NOT TO SCALE
 CONTRACTOR TO VERIFY
 ALL EXISTING CONDITIONS AND
 DIMENSIONS - NOT RESPONSIBLE
 FOR ANY DISCREPANCIES FOUND
 IN EXISTING CONSTRUCTION

Macaroni GRILL
 Roman's

LOCATION MAP

OVERALL SITE PLAN

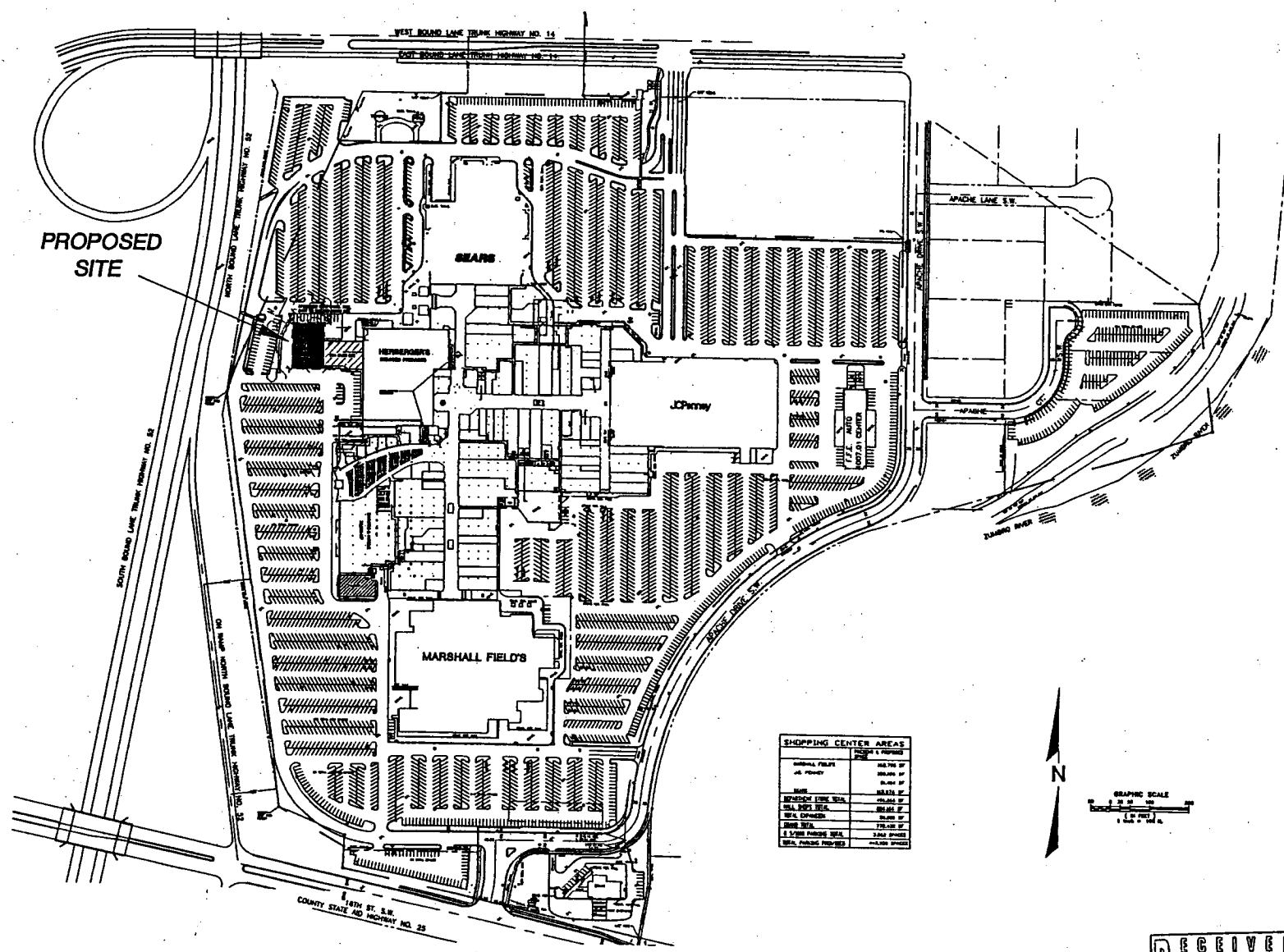
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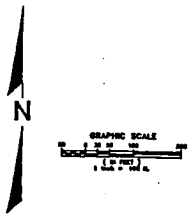
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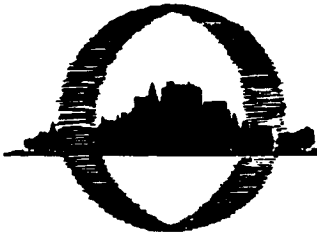
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SHOPPING CENTER AREAS	
EXISTING	PROPOSED
MARSHALL FIELD'S	100,000 SF
JCPENNEY	100,000 SF
SEARS	100,000 SF
RETAIL TOTAL	300,000 SF
OFFICE TOTAL	100,000 SF
TOTAL OFFICES	100,000 SF
TOTAL TOTAL	400,000 SF
2.5 YEAR PARKING TOTAL	10,000 SPACES
TOTAL PARKING PROVIDED	10,000 SPACES



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 PLANNING DEPARTMENT



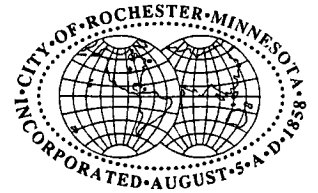
ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted

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TO: City Planning and Zoning Commission

FROM: Mitzi A. Baker, Senior Planner

DATE: October 16, 2003

RE: Type III, Phase II Amendment #03-01 to the Final Plan which covers the Apache Mall Shopping Center, to allow for the construction of a freestanding restaurant in the location of demolished Montgomery Wards Auto Store by Romano's Macaroni Grill. The proposal is to construct a 6,820 square foot building. The property is located north of 16th Street SW, west of Apache Drive SW and east of Highway 52.

Planning Department Review:

Petitioners: Romano's Macaroni Grill
6820 LBJ Freeway
Dallas, TX 75240

Owner: General Growth Properties, Inc.
110 North Wacker
Chicago, IL 60606

Surveyor/Engineer: Yaggy Colby Associates
717 SE 3rd Avenue
Rochester, MN 55904

Report Attachments:

1. Referral Comments
2. Reduced Copy of Proposed Amendment

PUD History: The Apache Mall Shopping Center PUD was approved in July of 1971. The Apache Mall Shopping Center was amended in 1985 allowing the addition at the northwest corner of the J.C. Penney building and 1990 for the Sears Addition providing a total of 733,135 square feet of gross floor area. An amendment was approved in 2000 to facilitate additions to the west side of the building, that include the Barnes & Noble book store. The expansion increased the size of the mall by 31,000 square feet. Demolition of the theatres and modifications to the parking lot were approved at that same time. As a result of the additions and

BUILDING CODE 507/285-8345 • GIS/ADDRESSING/MAPPING 507/285-8232 • HOUSING/HRA 507/285-8224

PLANNING/ZONING 507/285-8232 • WELL/SEPTIC 507/285-8345

FAX 507/287-2275



AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

CA

demolition approved in 2000, the new total gross leasable area (GLA) of the mall was 754,135 square feet. In 2000, the City Council also approved a request to calculate parking requirements for the Mall at 4.5 stalls per 1,000 s.f. instead of the standard 5 stalls per 1,000 s.f. as would have been required by the LDM. The approved Plan identifies 3,763 parking stalls, including 216 stall located off-site. At the ratio of 4.5/1,000 3,393 stalls were required.

The current proposal will add 6,820 sq. ft. to the property, for a total 760,955 square feet (GLA). At the ratio of 4.5 parking stalls per 1,000 sq. ft., 3,424 parking stalls would be required. According to the calculations provided in 2000, 3,763 parking spaces were provided. The 2003 amendment shows an additional 27 spaces, for a total of 3,790 spaces.

Parking calculations on the current (2003) proposal are inconsistent with the numbers provided in 2000. The current proposal suggests that there are 3,938 spaces provided. Though the source of this discrepancy has not been determined, it is apparent that ample parking will be provide based on the more conservative numbers provided in 2000.

Amendment
Summary

Proposed Use:

The applicant is proposing to construct a free standing restaurant with a bar and curb side to-go service in west the Herbergers store. The restaurant is proposed to be located where the Montgomery Ward auto service center was previously located.

Analysis:

The Apache Mall was originally approved under the Community Shopping Center Plans provisions of Paragraph 64.504 of the Zoning Code. When the current Zoning Ordinance and Land Development Manual was adopted in 1992, it eliminated these provisions. The manual, however, does provide for amendments to existing plans. Section 60.326 states that the term Planned Unit Development shall also include Community Shopping Center Plans. According to Section 60.326, amendments to a PUD shall be processed through the Type III, Phase II, hearing process, and according to the regulations applicable to the criteria for restricted developments.

Review Criteria and Suggested Findings:

Amendments to an existing PUD are processed according to the regulations applicable to a conditional use permit and restricted developments. Paragraph 61.146 lists the standards for conditional use permits as follows:

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61.146 **Standard for Conditional Uses:** The zoning administrator, Commission, or Council shall approve a development permit authorizing a conditional use unless one or more of the following findings with respect to the proposed development is made:

- 1) provisions for vehicular loading, unloading, parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways will create hazards to safety, or will impose a significant burden upon public facilities.
The provisions for vehicle loading, unloading, vehicular and pedestrian circulation should not create hazards.
- 2) The intensity, location, operation, or height of proposed buildings and structures will be detrimental to other private development in the neighborhood or will impose undue burdens on the sewers, sanitary and storm drains, water or similar public facilities.
The construction of the a one story restaurant building will be not detrimental to other private development in the neighborhood.
- 3) The provision for on-site bufferyards and landscaping does not provide adequate protection to neighboring properties from detrimental features of the development.
The proposed amendment should provide adequate protection to neighboring properties from detrimental features.
- 4) The site plan fails to provide for the soil erosion and drainage problems that may be created by the development.
This proposal replaces impervious surface with impervious surface and landscaped areas and is not expected to generate increased run off or drainage problems.
- 5) The provisions for exterior lighting create undue hazards to motorists traveling on adjacent public streets or are inadequate for the safety of occupants or users of the site or such provisions damage the value and diminish the usability of adjacent properties.
Exterior lighting should not create undue hazards to motorists traveling in the area.
- 6) The proposed development will create undue fire safety hazards by not providing adequate access to the site, or to the buildings on the site, for emergency vehicles.
The proposed development does not appear to create hazards related to site access for emergency vehicles.
- 7) In cases where a Phase I plan has been approved, there is a substantial change in the Phase II site plan from the approved Phase I site plan, such that the revised plans will not meet the standards provided by this paragraph.
Not applicable
- 8) The proposed conditional use does not comply with all the standards applying to permitted uses within the underlying zoning district, or with standards specifically applicable to the type of conditional use under consideration, or with specific ordinance standards dealing with matters such as signs which are part of the proposed development, and a variance to allow such deviation has not been secured by the applicant.
The City previously approved calculating the parking ratio for the Mall at 4.5 spaces per 1,000 square feet. At this ratio, adequate parking will be provided.

Parking stall length shown on the Plan should be at 17', not 18' as labeled, and drive isle widths should be at 25', not 24' as labeled.

- 61.147 **Conditions on Approval:** In considering an application for a development permit to allow a Conditional Use, the designated hearing body shall consider and may impose modifications or conditions to the extent that such modifications or conditions are necessary to insure compliance with the criteria of paragraph 61.146.
- 62.708 **Criteria for Type III Developments:** In determining whether to approve, deny, or approve with conditions an application, the Commission and Council shall be guided by the following criteria:

1) **Preliminary Development Plan Criteria:**

- a) **Capacity of Public Facilities:** The existing or future planned utilities in the area are adequate to serve the proposed development.
There do not appear to be any capacity concerns related to the public facilities.
- b) **Geologic Hazards:** The existence of areas of natural or geologic hazard, such as unstable slopes, sinkholes, floodplain, etc., have been identified and the development of these areas has been taken into account or will be addressed in the Phase II plans.
Not applicable
- c) **Natural Features:** For developments involving new construction, the arrangement of buildings, paved areas and open space has, to the extent practical, utilized the existing topography and existing desirable vegetation of the site.
Not applicable
- d) **Residential Traffic Impact:** When located in a residential area, the proposed development:
- 1) Will not cause traffic volumes to exceed planned capacities on local residential streets;
 - 2) Will not generate frequent truck traffic on local residential streets;
 - 3) Will not create additional traffic during evening and nighttime hours on local residential streets;
The scale of the proposed expansion is not of a magnitude to require the preparation of a traffic impact study. The addition is not expected to impact local residential streets.
- e) **Traffic Generation Impact:** Anticipated traffic generated by the development will not cause the capacity of adjacent streets to be exceeded, and conceptual improvements to reduce the impact of access points on the traffic flow of adjacent streets have been identified where needed.
The scale of the proposed expansion is not of a magnitude to require the preparation of a traffic impact study.
- f) **Height Impacts:** For developments involving new construction, the heights and placement of proposed structures are compatible with the surrounding development. Factors to consider include:

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- 1) Will the structure block sunlight from reaching adjacent properties during a majority of the day for over four (4) months out of the year;
 - 2) Will siting of the structure substantially block vistas from the primary exposures of adjacent residential dwellings created due to differences in elevation.
The proposed construction of a one story building is compatible with the surrounding development.
 - g) **Setbacks:** For developments involving new construction, proposed setbacks are related to building height and bulk in a manner consistent with that required for permitted uses in the underlying zoning district.
The proposed building location would be consistent with permitted uses in the B-4 District.
 - h) **Internal Site Design:** For developments involving new construction, the preliminary site layout indicates adequate building separation and desirable orientation of the buildings to open spaces, street frontages or other focal points.
The proposed project appears to meet adequate building separation to the orientation of the existing buildings, open spaces, and street frontages.
 - i) **Screening and Buffering:** The conceptual screening and bufferyards proposed are adequate to protect the privacy of residents in the development or surrounding residential areas from the impact of interior traffic circulation and parking areas, utility areas such as refuse storage, noise or glare exceeding permissible standards, potential safety hazards, unwanted pedestrian/bicycle access, or to subdue differences in architecture and bulk between adjacent land uses.
The proposed amendment includes a detailed landscaping plan that includes foundation plantings around the building as well as trees within the parking areas and appears to meet or exceed requirement of the B-4 District.
 - j) **Ordinance Requirements:** The proposed development includes adequate amounts of off-street parking and loading areas and, in the case of new construction, there is adequate landscaped area to meet ordinance requirements.
The City previously approved calculating the parking ratio for the Mall at 4.5 spaces per 1,000 square feet. At this ratio, adequate parking will be provided. Parking stall length shown on the Plan should be at 17', not 18' as labeled, and drive isle widths should be at 25', not 24' as labeled.
 - k) **General Compatibility:** The relationship of the actual appearance, general density and overall site design of the proposed development should be compared to the established pattern of zoning, the character of the surrounding neighborhood and the existing land forms of the area to determine the general compatibility of the development with its surroundings.
The proposed use is compatible with the existing uses on the property and the surrounding properties.
- 2) **Final Development Plan Criteria:**
- a) **Public Facility Design:** The design of private and public utility facilities meet the requirements and specifications which the applicable utility has adopted.
Any modifications to the public water system would need to be reviewed and approved by City staff prior to construction.

- b) **Geologic Hazard:** Engineering means to deal with areas of geologic hazard have been incorporated into the development plan or such areas have been set aside from development.

Not applicable.

- c) **Access Effect:** Ingress and egress points have been designed and located so as to:

1. Provide adequate separation from existing street intersections and adjacent private driveways so that traffic circulation problems in public right-of-ways are minimized;
2. Not adversely impact adjacent residential properties with factors such as noise from accelerating or idling vehicles or the glare of headlights from vehicles entering or leaving the site.

In addition, where the preliminary development plan identified potential problems in the operation of access points, plans for private improvements or evidence of planned public improvements which will alleviate the problems have been provided.

Existing access to the Mall will be utilized to access the restaurant. There should not be any impact to local residential streets.

- d) **Pedestrian Circulation:** The plan includes elements to assure that pedestrians can move safely both within the site and across the site between properties and activities within the neighborhood area, and where appropriate, accommodations for transit access are provided.

Not applicable.

- e) **Foundation and Site Plantings:** A landscape plan for the site has been prepared which indicates the finished site will be consistent with the landscape character of the surrounding area.

The project includes a detailed landscaping plan which should enhance the appearance of the surrounding area.

- f) **Site Status:** Adequate measures have been taken to insure the future maintenance and ownership pattern of the project, including common areas, the completion of any platting activities, and the provision of adequate assurance to guarantee the installation of required public improvements, screening and landscaping.

Not applicable.

- g) **Screening and Bufferyards:** The final screening and bufferyard design contains earth forms, structures and plant materials which are adequate to satisfy the need identified in Phase I for the project.

The outdoor trash storage area will be screened from view.

- h) **Final Building Design:** The final building design is consistent with the principles identified in preliminary development plan relative to Height, Setbacks, and Internal Site Design.

Not applicable.

- i) **Internal Circulation Areas:** Plans for off-street parking and loading areas and circulation aisles to serve these areas meet ordinance requirements in terms of design.

Parking lot modifications adjacent to the building are proposed with this project. Dimensions shown on the Plan are not consistent with the requirements of the Rochester Zoning Ordinance and Land Development Manual. Parking stall length

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shown on the Plan should be at 17', not 18' as labeled, and drive isle widths should be at 25', not 24' as labeled.

- j) **Ordinance Requirements:** The proposed development is consistent with the requirements of the underlying zoning district for similar uses in regards to signage and other appearance controls, and with general standards such as traffic visibility and emergency access.
The proposed development is consistent with the underlying zoning district B-4 with the exception of the number parking stalls being provided.

Staff Review and Recommendation:

The Planning staff has reviewed this request based on the above criteria. The staff finds that this proposal is generally consistent with the above criteria. The staff recommends approval of this request with the following conditions:

1. ***Parking lot modifications adjacent to the building are proposed with this project. Dimensions shown on the Plan are not consistent with the requirements of the Rochester Zoning Ordinance and Land Development Manual. Parking stall length shown on the Plan should be at 17', not 18' as labeled, and drive isle widths should be at 25', not 24' as labeled.***
2. ***If the extension of public watermain, and/or the addition of hydrant(s) is required for this project, the execution of a City-Owner Contract, and dedication of an applicable public utility easement, will be required prior to construction.***
3. ***Grading Plan approval is required, prior to construction.***

Planning Commission Action Required:

The Planning Commission must hold a public hearing and make a motion to recommend approval, approval with conditions, or denial of this request. This recommendation will then be forwarded to the Council. The Council will hold a public hearing on this item at a later date.

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ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 10/9/03

The Department of Public Works has reviewed the application for an AMENDMENT #03-01, to the Apache Mall Shopping Center PUD. The following are Public Works comments on the proposal:

1. If the extension of public watermain, and/or the addition of hydrant(s) is required for this project, the execution of a City-Owner Contract, and dedication of an applicable public utility easement, will be required prior to construction.
2. Grading Plan approval is required.

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1. **Execution of a Pedestrian Facilities Agreement is required to address the Owner's obligations regarding the future construction of pedestrian facilities along the frontage of 11th Avenue NW.**

Type III, Phase III Conditional Use Permit #03-52 by Western Walls, Inc. to allow for the placement of fill in the flood prone area. The proposal is to place fill in the flood prone area to allow for the development of residential lots. The property is located south of 7th Street NW and east of Lake Street NW.

Ms. Mitzi A. Baker presented the staff report, dated October 15, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Ms. Baker stated that the third condition listed in the staff report has now been met. The consultant submitted certifications required by the Ordinance.

Mr. Burke moved to recommend approval of Type III, Phase III Conditional Use Permit #03-52 by Western Walls, Inc. with the staff-recommended findings and two conditions (as listed by staff). Mr. Haeussinger seconded the motion. The motion carried 7-0.

CONDITIONS:

1. **Prior to commencing operations on this property, the applicant shall obtain grading plan approval from the City.**
2. **Fill within the existing Floodway, as shown on the proposed grading plan, shall not commence until after a CLOMR (Conditional Letter of Map Revision) has been approved by FEMA.**

PUBLIC HEARINGS:

* **Type III, Phase II Amendment #03-01 to the Final Plan which covers the Apache Mall Shopping Center, to allow for the construction of a freestanding restaurant in the location of demolished Montgomery Wards Auto Store by Romano's Macaroni Grill. The proposal is to construct a 6,820 square foot building. The property is located north of 16th Street SW, west of Apache Drive SW and east of Highway 52.**

Ms. Mitzi A. Baker presented the staff report, dated October 16, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Ms. Baker stated that the condition regarding the parking lot modifications should be something that they can easily accommodate.

Ms. Baker stated that she did not receive any calls or concerns regarding the application.

Ms. Wiesner asked if there would be a drive-up.

Ms. Baker stated that there would only be parking spots reserved for people getting takeouts.

Mr. Quinn stated that there were previous concerns regarding parking compliance. He questioned if there were any concerns now.

Ms. Baker responded no. They have an offsite parking lot as part of the consideration as well. Additionally, the City approved calculating parking requirements for the mall at 4.5 spaces per 1,000 square feet G.L.A. in 2000.

Discussion ensued regarding the off site parking lot being used during the holidays by employees.

Mr. Quinn asked if there were any traffic concerns.

Ms. Baker responded that she did not receive any concerns from City Public Works.

The applicant's representative, Robert Montgomery of Brinker International (located at 6820 LBJ Freeway, Dallas TX 75075), addressed the Commission. He stated that they are proposing the Macaroni Grill at the end of Herbergers (where the old Montgomery Wards was previously located). They will work with staff to adjust the parking. He stated that he was unsure if it was necessary to extend the watermain. The landlord has already brought all the utilities to the site and has covered the pad with asphalt. They agreed to let them do that through the holiday season. They do not plan to begin construction until next spring. They will submit a grading plan for approval.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Mr. Haeussinger moved to recommend approval of Type III, Phase II Amendment #03-01 to the Final Plan with the staff-recommended findings and conditions. Mr. Quinn seconded the motion. The motion carried 7-0.

CONDITIONS:

1. Parking lot modifications adjacent to the building are proposed with this project. Dimensions shown on the Plan are not consistent with the requirements of the Rochester Zoning Ordinance and Land Development Manual. Parking stall length shown on the Plan should be at 17', not 18' as labeled, and drive isle widths should be at 25', not 24' as labeled.
2. If the extension of public watermain, and/or the addition of hydrant(s) is required for this project, the execution of a City-Owner Contract, and dedication of an applicable public utility easement, will be required prior to construction
3. Grading Plan approval is required, prior to construction.

Land Use Plan Amendment Petition #03-06 and Zoning District Amendment #03-20 by Larry Brown to amend the Land Use Plan designation from "Low Density Residential" to "Commercial" on approximately 2.95 acres of land and rezone approximately 2.95 acres from H (Holding) to B-4 (General Commercial) and approximately 2.95 acres. The property is located along the south side of TH 14 East and east of 40th Avenue SE.

AND

General Development Plan #218 to be known as L.B. Electric by Larry Brown. The applicant is proposing to develop the property with a commercial use. The applicant is also requesting approval of a Substantial Land Alteration to permit site grading that will

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 Architecture / Engineering
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 Suite 100
 Baton Rouge 70804
 Tel: 815 481-0000
 Fax: 815 481-0001

NOT TO SCALE
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 DATE: 09/24/03

Macaroni Grill

DO NOT SCALE DRAWINGS
 CONTRACTOR TO VERIFY
 ALL EXISTING CONDITIONS AND
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SITE PLAN

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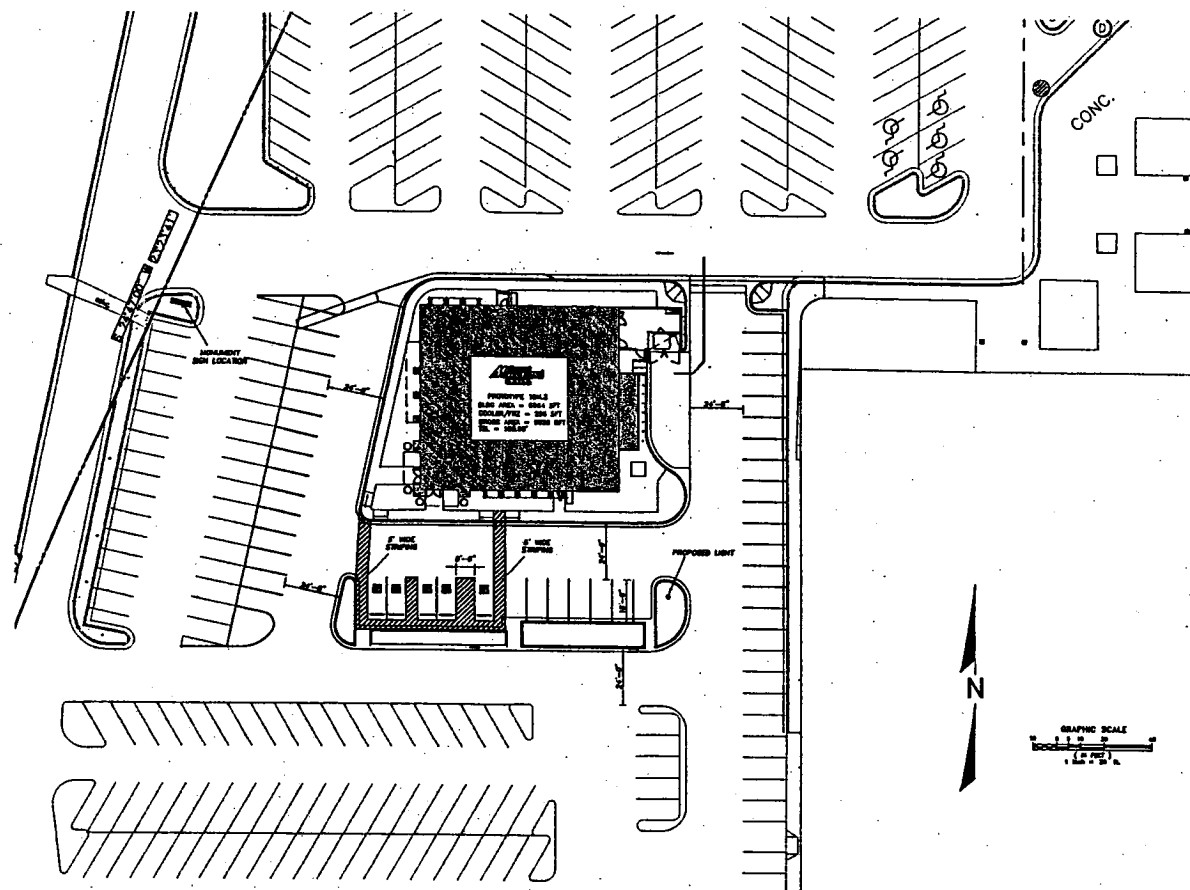
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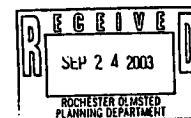
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DATE: 09/24/03



NATIONAL SURVEY & ENGINEERING ASSURES NO
 RESPONSIBILITY FOR DAMAGES, LIABILITY OR COSTS
 ARISING FROM CHANGES OR ALTERATIONS MADE
 TO THIS PLAN WITHOUT THE EXPRESS WRITTEN
 CONSENT OF NATIONAL SURVEY & ENGINEERING



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GH A

Architecture / Engineering
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 Fax: 716 835-4001

AV

NOT TO SCALE
 IN FEET
 PROPOSED
 UTILITY
 PLAN

Macaroni GRILL

DO NOT SCALE DRAWINGS
 CONTRACTOR TO VERIFY
 ALL EXISTING CONDITIONS AND
 DISCREPANCIES PRIOR
 TO BEGINNING CONSTRUCTION

UTILITY PLAN

DOCUMENT ISSUES

FILE NO.

NO. REVISION

FILE NO.

NO. REVISION

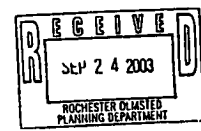
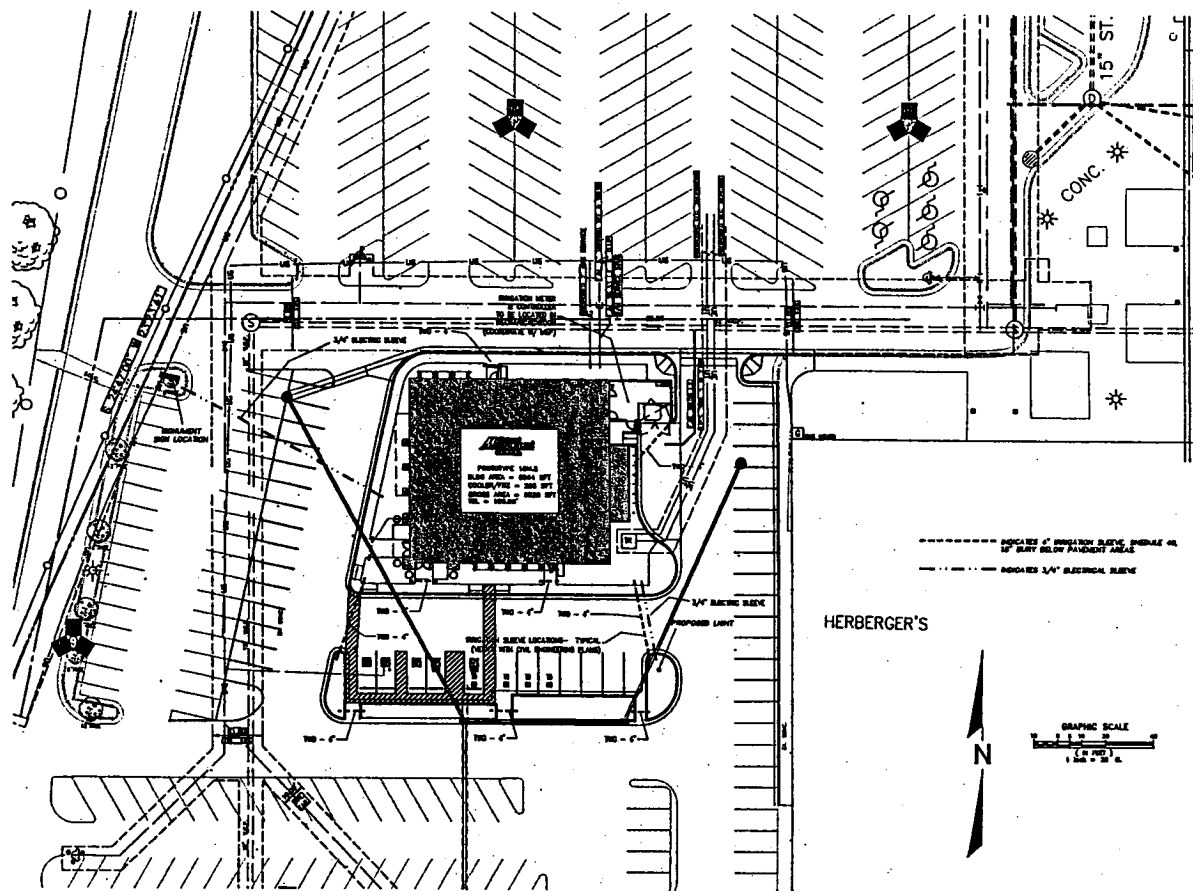
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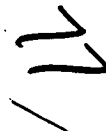
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PRINTED DATE - 02/03/03



STANDARD BULK RATE - \$24.00

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